

William C. Rand, Esq. (WR-7685)  
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501 Madison Avenue, 15th Floor  
New York, New York 10017  
Phone: (212) 286-1425; Fax: (646) 688-3078

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
BEVOLYN DARBY,	:	ECF
Individually and on Behalf of All Other	:	17 Civ. 5370 (RMB)
Persons Similarly Situated,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	
	:	
STERLING HOME CARE, INC., MARK R. ZWERGER,	:	
MATTHEW G. ANDERSON, MICHELE THOMAS	:	
EILEEN KILLEEN, and JOHN DOES #1-10,	:	
	:	
Defendants.	:	
-----X		

**DECLARATION OF WILLIAM C. RAND IN SUPPORT OF PLAINTIFF'S  
APPLICATION FOR PRELIMINARY APPROVAL OF CLASS AND COLLECTIVE  
ACTION SETTLEMENT**

**EXHIBIT C**

**RAND LAW FIRM  
TIME AND EXPENSE RECORDS**

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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X	
BEVOLYN DARBY,	:
Individually and on Behalf of All Other	:
Persons Similarly Situated,	:
	:
Plaintiffs,	:
-against-	:
	:
STERLING HOME CARE, INC., STEVEN B. KATZ and	:
JOHN DOES #1-10,	:
	:
Defendants.	:
-----X	

ECF  
17 Civ. 5370 (RMB)

**TIME RECORDS**

<u>Date</u>	<u>Hours</u>	<u>Description</u>
6-28-17	4.4	Meeting with client (1.2); drafting declaration (3.2)
7-13-17	2.3	Drafting summons (.5); drafting civil cover sheet (.5); drafting complaint (1.3)
7-14-17	3.1	Drafting complaint (3.1)
7-15-17	4.1	Drafting complaint (3.7); filing summons and complaint and civil cover sheet (.4)
9-21-17	.8	Reviewing Answer and affirmative defenses and reviewing complaint
11-9-17	3.9	Drafting notice of 30-b-6 deposition (.8); Drafting document requests (3.1)
11-10-17	6.0	Call with defense counsel re settlement (.4); drafting request for admissions (3.1); drafting interrogatories (2.2); serving discovery by email and mail (.3)

11-14-17 2.4

Researching amended complaint

11-20-17 .8

Emails and call with defense counsel regarding individuals to be sued in Amended Complaint

11-21-17 3.2

Drafting and filing Amended Complaint (2.6); drafting and sending letters to addresses of client seeking current contact information (.6)

11-22-17 .8

Reviewing notice of deposition served on Plaintiff (.3); call to Darby re deposition (.5)

11-28-17 1.8

Meeting Darby in office to give status update (.7); drafting revised declaration (1.1)

12-5-17 1.0

Call with Defense counsel re settlement (.7); emailing Defense counsel settlement agreement in similar case to show structure (.3)

12-17-17 3.7

Drafting motion for collective action certification and supporting brief

12-18-17 .5

Call with defense counsel regarding settlement and stipulating to collective action notice

12-19-17 2.1

Drafting stipulated order and notice regarding collective action (1.6); emailing it to defense counsel with explanation (.1); call and emails with defense counsel re discovery and deadlines to respond (.4)

1-4-18 1.1

Reviewing and finalizing Order and notice regarding collective action and returning to Defense counsel (1.1)

1-5-18 .7

Drafting and mailing and emailing Owner liability to individual defendants (.6); email regarding collective action order and notice (.1)

1-8-18 1.9

Emails with defense counsel and finalizing stipulation and notice and filing (1.6); drafting letter to judge with courtesy copy (.3)

1-24-18 .6

Calls with Magistrate's clerk (.2) and Judge's Clerk (.1) re status of motion/stipulation re notice and emails to Defense counsel with status report (.1); emails to defense counsel re discovery and extending deadline (.2)

1-30-18 1.3

Reviewing Document Requests and interrogatories served on Plaintiff

2-13-18 1.1

Calls and emails with Defense counsel re discovery

3-6-18 .9

Reviewing judge's revisions and revising notice and sending to defense counsel

3-7-18 .4

Sending notice and list to mailing service for quote (.1); call and email with defense counsel re list and how created (.3)

4-2-18 .5

Organizing and filing opt-in statements (.5)

4-6-18 4.5

Organizing and filing opt-in statements (.5); calls to opt-ins to leave message to confirm receipt of opt-in statements (.5); call with Patrick Gayle (.4); call with Kenesha Tomlinson (.3); call with Alice Thompson (.4); call with Sharon Gray (.3); call with Nandane Somai (.3); call with Theresa Obach (.4); call with Marcia Talbert (.2); call with Mareshalee Grant (.3); call with Beverly Cole (.3) call with Ada Caqsho (.2); call with Andrea Capleton (.4)

4-2-18 1.8

Organizing and filing opt-in statements (.5); Meeting with Theresa Obaah (1.3)

4-6-18 .5

Organizing and filing opt-in statements

4-10-18 7.0

Organizing and filing opt-in statements (.5); calling opt-in plaintiffs to confirm receipt and explain case (3.1); meeting with Theresa Obaah; (2.1); drafting declaration for Obaah (1.3)

4-11-18 3.4

Meeting with Patrick Gayle (2.2); drafting declarations (1.2)

4-12-18 .5

Organizing and filing opt-in statements

4-16-18 .5

Organizing and filing opt-in statements

4-18-18 4.1

Meeting with Primrose Scott (2.1); reviewing payroll documents (.7); drafting declaration (1.3)

4-20-18 .9

Organizing and filing opt-in statements (.5); call with potential opt-in who did not want to give name (.4)

4-25-18 1.3

Organizing and filing Opt-in Forms and calling opt-ins

5-3-18 4.4

Meeting with Ida Wallace and Veronica Wallace (2.3); reviewing paystubs (.5) drafting declarations (1.6); status conference call with court (.8)

5-4-18 1.2

Organizing and filing Opt-in Forms and calling opt-ins

5-16-18 1.0

Organizing and filing Opt-In Forms and calling opt-ins

5-24-18 .6

Organizing and filing Opt-In Forms and calling opt-ins

5-30-18 .7

Call with Jessica Weston (.5) emailing defense counsel that she is being retaliated against as she received no work after she joined suit (.2)

5-31-18 .9

Calls and emails with defense counsel re retaliation (.6); call with Weston (.3)

6-1-18 .5

Reviewing and commenting on Defense counsel letter to court re discovery deadline extensions

6-5-18 .4

Reviewing court order re discovery (.1); emails with defense counsel re discovery plan (.3)

6-14-18 1.0

Call and emails with defense counsel regarding discovery schedule (.5); reviewing and commenting on Defense counsel's letter to the court (.5)

7-13-18 .5

Call and emails with defense counsel re discovery

7-19-18 3.1

Reviewing damage spreadsheet from Defense counsel re opt-ins (2.6); call with defense counsel to ask why formulas are not shown and to request spreadsheet with formulas (.5)

9-7-18 .8

Call with defense counsel regarding potential settlement structures

10-8-18 6.1

Drafting collective and class settlement agreement with blank amounts (5.6); call to defense counsel to discuss proposed form of agreement (.5)

10-11-18 2.5

Drafting settlement agreement with blanks for amounts (2.4); emailing to defense counsel (.1)

10-22-18 4.2

Reviewing payroll and time records and employment records of Darby

10-26-18 6.8

Reviewing payroll records of Darby (1.4); creating spreadsheet to calculate 24 hour damages (4.7); emailing spreadsheet to defense counsel and calling defense counsel to explain spreadsheet (.7)

11-6-18 2.0

Calls with defense counsel (1.3); conference call with Magistrate Fox (.7)

11-9-18 1.8

Reviewing letter spreadsheet related to overtime (.7); emailing 5 employees for documents to check spreadsheet (.2); reviewing and revising joint letter to court re settlement (.4); call with client re status and settlement (.5)

11-20-18 6.5

Reviewing payroll of sample employees and comparing to spreadsheet (5.1); reviewing Defendants' settlement agreement revisions (1.4)

11-27-18 1.0

Call to Client re Settlement (.5); revising settlement spreadsheet and emailing Defense counsel revised settlement offer (.5).

12-4-18 .9

Call with Defense counsel re Settlement counteroffer (.4) call to Darby re offer (.5)

12-5-18 .9

Call to Darby re Settlement (.4); revising settlement spreadsheet and emailing Defense counsel revised settlement offer (.5).

12-10-18 1.0

Call with Defense counsel re Settlement counteroffer (.5) call to Darby re offer (.5)

12-12-18 2.0

Call to Darby to discuss revised settlement offer (.3); revising spreadsheet and sending revised settlement offer to defense counsel (.4)

12-13-18 1.7

Calls with Defense counsel re settlement (1.2); reviewing and commenting on letter to Magistrate seeking extension of discovery deadline (.5)

12-17-18 1.7

Call with Defense counsel re rejection of request for discovery extension and settlement (1.0); call with client re status of case and settlement (.7)

12-18-18 3.5

Calls with Defense counsel (.8); calls with client (.9); reviewing spreadsheets and correspondence (1.3); drafting and filing letter to court requesting stay and giving notice of settlement in principle (.5)

1-10-19 6.4

Reviewing and checking overtime damage calculations of class members (5.2); Creating Exhibit E using Excel Spreadsheet information (1.2)

1-11-19 3.7

Meeting to go over settlement agreement and evidence with Darby and to get her signature

1-16-19 3.1

Drafting and researching motion for preliminary approval

1-17-19 6.1

Drafting motion for preliminary approval of settlement (4.3); drafting declaration in support of motion (1.8)

1-18-19 10.4

Drafting and filing motion for preliminary approval of settlement

[Future Time 40]

Total Hours 198.1

Expenses		\$1,501.40
Complaint Filing	\$400	
Complaint Service	\$65	
Notice Mailing	\$1,036.40	

**GERALD WEINBERG, P.C.**

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July 26, 2017 Facsimile (518) 463-0079

Invoice no. MC583329

TO: GERALD WEINBERG, P.C.

FOR PROFESSIONAL SERVICES RENDERED:

Service of Process Re:

BEVOLYN DARBY

--vs--

STERLING HOME CARE, INC.

25.00

DISBURSEMENTS

Filing Fee

40.00

Total Charges:

65.00

Balance Due:

65.00

Phone: 286-1425



LAW OFFICE OF WILLIAM C. RAND  
488 MADISON AVE SUITE 1100  
NEW YORK, NY 10022-5720

1-8  
210  
Date 8/11/17

821

Pay to the order of Gerald Weinberg, P.C.

\$65 —

Dollars ☒ A

Security Features  
Details on Back

**citibank**

CITIBANK, N.A. BR. #0  
200 NASSAU ST. 400  
NEW YORK, NY 10022

Memo Service Sterling Home Care

*W.C. Rand*

⑆021000089⑆ 03877721⑆ 0821⑆

## Invoice



Class Action Settlement Administration

Invoice #

18112

3194-C Airport Loop Drive  
Costa Mesa, CA 92626  
Phone: 800-779-2104

Date

3/31/2018

## Bill To

William C. Rand  
LAW OFFICE OF WILLIAM COUDERT RAND  
501 Madison Ave., 15th Floor  
New York, NY 10017

Bid Number

8406

Terms

Due on receipt

Due Date

4/30/2018

Description	Quantity	Rate	Amount
Case Name: Darby v Sterling Home Care, Inc. - Mailing Only Mailing Date: 3/20/18			
Fixed Amount/Flat Fee - Mailing Only	1	1,036.40	1,036.40
Thank you for your business.	<b>Total</b> 1,036.40		
Please make checks payable to Simpluris, Inc. Attention: Accounts Receivable accounting@simpluris.com (714) 640-5639	<b>Payments/Credits</b> \$0.00		
	<b>Balance Due</b> \$1,036.40		